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Customer No. 22,852

Attorney Docket No. 3260.0028-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re appln of: )  
Thomas J. GRADDIS et al. )  
Serial No.: 09/904,536 ) Group Art Unit: 1647  
Filed: July 16, 2001 ) Examiner: L. Spector

For: FLT3-L MUTANTS AND METHODS OF USE

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Office Action dated September 18, 2002 (Paper No. 5), and pursuant to 37 C.F.R. § 1.111, applicants submit the following remarks.

**REMARKS**

Applicants respectfully request reconsideration and further examination in view of the following remarks.

Claims 33-45 and 52-55 are pending in this application.

**Restriction Requirement**

In Paper No. 5, the Examiner required restriction under 35 U.S.C. § 121 to one of two groups as follows:

Group I - Claims 33-45 and 52-55, drawn to methods of administering protein;

Group II - Claims 38-45, drawn to methods of administering nucleic acids  
(Paper No. 5, p. 2)

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Applicants provisionally elect to prosecute without traverse, Group 1, claims 33-45 and 52-55, drawn to methods of administering protein.

The Examiner has further required an election of species between: (a) hematopoietic cells, (b) NK cells, or (c) dendritic cells. Applicants elect without traverse: (c) dendritic cells. Nevertheless, applicants understand that once a generic claim is allowed, the Office will consider claims directed to other allegedly independent species that depend from the allowed claims.

**CONCLUSION**

In view of the foregoing remarks, applicants respectfully request the examination on the merits of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 18, 2002

By:

  
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